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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

KETTLE RANGE CONSERVATION
GROUP,

Plaintiff,

v.

U.S. FOREST SERVICE, GLENN
CASAMASSA, Pacific Northwest
Regional Forester, U.S. Forest Service,
RODNEY SMOLDON, Forest
Supervisor, Colville National Forest,
TRAVIS FLETCHER, District Ranger,
Republic Ranger District, U.S. Forest
Service.

Defendants.

Case No. 2:21-cv-161

**DECLARATION OF CLAIRE
LOEBS DAVIS ISO MOTION
FOR SUMMARY JUDGMENT**

1 I, CLAIRE LOEBS DAVIS, declare and state as follows:

2 1. I am an attorney with the law firm of Animal & Earth Advocates PLLC
3 and counsel of record on behalf of Petitioners in this matter. I am over the age of
4 18, am competent to testify, and have personal knowledge of the matters stated
5 herein.

6 2. Attached to this Declaration as Exhibit A is a true and correct copy of
7 Mark G. Henjum, et al., INTERIM PROTECTION FOR LATE SUCCESSIONAL FORESTS,
8 FISHERIES, AND WATERSHEDS: NATIONAL FORESTS EAST OF THE CASCADE CREST,
9 OREGON AND WASHINGTON 17 (1994), available at chrome-
10 extension://efaidnbmnnnibpcajpcgclclefindmkaj/https://oregonwild.org/sites/default
11 /files/pdf-files/Henjum%20et%20al%20Eastside%20Science%201994%20-
12 %202.pdf.

13 3. Attached to this Declaration as Exhibit B is a true and correct copy of
14 Jerry F. Franklin and K. Norman Johnson, *A Restoration Framework for Federal*
15 *Forests in the Pacific Northwest*, JOURNAL OF FORESTRY 110:429-39 (2012),
16 available at <https://academic.oup.com/jof/article/110/8/429/4599612>.

17 4. I discovered a number of discrepancies when comparing the
18 administrative record filed with the Court to the Forest Service's online record of
19 the Project at <https://www.fs.usda.gov/project/?project=50741&exp=overview>. For
20 example, the Court administrative record includes a Sanpoil Environmental
21 Assessment dated May 2020 (AR 06003-6077), which counsel for the Service
22 indicated was the final Project EA. However, administrative record filed with the
23 Court does *not* contain the December 2020 version of the Environmental Assessment

1 dated December 2020, which was posted online as of October 12, 2020 (see
2 “Decision” documents). Similarly, the online version of the Sanpoil Silviculture
3 Report is dated May 26, 2020 (under “Analysis” documents), while the version that
4 the Service filed with the Court is dated June 28, 2021, more than a year later. *See*
5 AR 06866-05282. However, I performed an electronic comparison of the different
6 versions of these documents, and other than the change in date, they appear to be
7 substantively the same.

8 I declare under penalty of perjury under the laws of the State of Washington
9 that the foregoing is true and correct to the best of my knowledge.

10
11 DATED: October 12, 2022

12 /s/ Claire Loeb Davis
13 Claire Loeb Davis
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CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/EMF system, which will send notification of this filing to all counsel of record.

/s/ Claire Loeb Davis
Claire Loeb Davis